obtained from this forest alone as, in the accounts, the sandalwood from this forest is mixed up with the same obtained from adjoining district forests. The estimate of 5 tons from this forest is a very conservative one.

(*d*) Yes.

(*e*) The question of combating the disease is under investigation.

Mr. N. BHOGIMALLIAH.—The particulars of *babwar* receipts and expenditure asked for by me have not been furnished in the answer.

Mr. M. VENKATANARANAPPA.—The average estimated receipts and expenditure per year are given, since accounts are not maintained for each hobli separately.

Mr. N. BHOGIMALLIAH.—Some portions of the question as I had sent up have been disallowed. My only object in raising those points was that if the forest was disafforested and released for cultivation, the raiyats would be benefited and the Government also would realize a large amount in the shape of land revenue.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau).—The suggestion will be examined.

GOVERNMENT BUSINESS—BILLS.

I. General Principles of the Bill to amend the Societies Registration Act.

The SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. P. H. Krishna Rao) explained the general principles of the bill as follows :—

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Registration Act, XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to Section 5 of the Act, a society is required to send a list of members of the governing body and there is no penal provision in the said Act to enforce its submission. Several societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these societies, there is no check on their working.

There have been several representations in the Representative Assembly and in the Legislative Council for measures to check effectively the management of these societies.

Though in the year 1935, rules for the removal of the names of defunct societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these societies much.

In the last Budget Session of the Legislative Council, it was urged that rules for the effective supervision of the societies by demanding the annual audited balance sheets and statements of accounts and reports might be framed, and that on default by the societies, registration might be cancelled. As most of the societies receive Government grants, it is necessary to have a check over their working.

The principal changes proposed are the following.—With a view to secure effective control over the societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under Section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the societies, and to levy in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of land revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

Mr. B. L. BYANNA enquired whether the fine of Rs. 2 per day of delay on the part of the defaulting society was

leviable from the secretary or from the funds of the society concerned.

Mr. P. H. KRISHNA RAO replied that it was payable by the society.

Mr. K. VENKATARAMIAH, Mr. Y. V. MUNISWAMI IYER and **Mr. S. C. BELURIAH** were of opinion that the secretary or other office-bearer who was responsible for the delay must be made to pay the fine and not the society.

Mr. P. H. KRISHNA RAO said that the suggestion would be considered by Government.

Mr. T. MADIAH GOWDA said that ever since the Societies Registration Act was passed in 1904, the Government were registering every society that applied for it and paid a fee of Rs. 10, but once a society was registered, the department never took the trouble to enquire whether it was working regularly or not. This state of affairs was brought to the notice of Government by certain non-official members at the Legislative Council through a cut motion 3 or 4 years ago and the Government were requested to suitably amend the Act so as to ensure proper working of all the registered societies. Though Government had promised to take early action in this behalf, they had put off the question so far. But the member was thankful that they had taken action now, belated though it was.

Proceeding, the member pointed out that some of the provisions in the bill were not in accordance with the representations made in the Legislative Council and in the Assembly. The idea was to provide for the cancellation of the registration of such of the societies as were not working properly. As the bill did not contain such a provision, he hoped it would be provided for in the rules to be framed for carrying out the purposes of the Act.

As regards the fine of Rs. 2 proposed to be levied for every day of delay in submitting the audited balance sheet and accounts, the member said that the penalty was too heavy. He thought that a fine of Rs. 2 a month might be more reasonable.

With regard to the levy of a filing fee of one rupee for each of the lists of members and the balance sheet, he said that it was a needless levy which would work as a hardship on many religious and charitable institutions, the bulk of which were financially weak. Once a society was registered, it would become a duty of that society to send up lists of members, etc., every year. This being a normal duty, the speaker did not see the justice of levying a fee every time such lists were filed.

With regard to the statement that most of the societies were receiving Government grant and therefore it was necessary to have a check over their working, the member urged that Government ought to exercise a check over the working of every society so long as it was a registered institution whether it was in receipt of a grant-in-aid from the Government or not. The member next referred to the point about framing of rules for the effective supervision of the societies by demanding the annual audited balance sheets and statements of accounts and reports, and said that it ought to suffice if copies of those documents were submitted to the department, the originals being preserved in the concerned societies.

Mr. P. H. KRISHNA RAO replied that the suggestion would be considered.

As regards the audit of the societies, **Mr. MADIAH GOWDA** represented that the fee payable by a society to the auditor must be fixed at a reasonable figure. No doubt, the department had distributed the societies into certain groups and appointed auditors for each group; but the scale of fees prescribed by the department might be too heavy from the point of view of the finances of individual societies. He therefore requested that the fee payable be determined with due regard to the financial position of the concerned society.

On the whole, he felt that it was necessary for the department to exercise due control over the working of societies in general and for this reason, he supported the measure whole-heartedly.

Mr. B. C. RANGAPPA considered that it would be difficult for the bulk of the societies to have their accounts audited annually by a person holding a certifi-

cate granted by the Government under the Companies Act. Most of the societies falling under the Societies Registration Act were poor and could not afford to pay the heavy fee that certified auditors usually demanded. Personally he felt that the object in view could be gained as well by insisting that the committee of management should get the accounts audited by a duly qualified auditor.

Mr. P. H. KRISHNA RAO replied that if the audit should be trusted, it should be conducted only by a certified auditor.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) added that if a society was so poor as not to be able to pay even the audit fee, it could as well drop the idea of getting itself registered under the Act. There was nothing to compel every society to get itself registered.

Mr. P. SITARAMIAH considered that it was desirable for every religious and charitable institution to get itself registered not only to avoid any possible legal complications concerning its status but also that it might enjoy the confidence of the general public. In this view, registration in each case was desirable. And in view of the fact that the bulk of the societies were poor, it was equally desirable that the Government should prescribe a very small fee for audit. He also added that the department might create panels of auditors for each locality as they had done in the case of co-operative societies. The member agreed with the previous speaker that the levy of one rupee as fee for filing the list of members, balance sheet, etc., every year as also the fine of Rs. 2 per day of delay in submitting these documents would work as a hardship on most societies and requested that the provisions in respect of both the levies should be dropped. While admitting that the Government should have some kind of check over all the societies, he was only anxious that the check should be such as to make it possible for societies not only to register themselves but also to lead to their good work.

Mr. P. H. KRISHNA RAO observed that certified auditors were easily available and so there was no need for creating panels for the various areas.

Mr. A. N. RAMA RAO was strongly in favour of making registration compulsory in the case of every society. But he was not in favour of imposing a fee for filing the members' lists, etc., nor was he in favour of the proposal to levy a fine of Rs. 2 per day in case of delay in submitting the annual returns. When a society did not send up the annual returns like list of members, audited balance sheet, etc., in spite of reminders, it was a clear proof of its not working well and the unsound condition of its finances. In such a case, no purpose would be served by prescribing such heavy fines. No doubt, there was a provision which contemplated the recovery of fines, etc., as arrears of land revenue. But when the societies or those responsible for their working happened not to own any properties, the penal provision would serve no purpose. The member therefore urged that the levies contemplated ought to be waived particularly in the case of religious and charitable institutions.

Subject to the above modifications, he gave his whole-hearted support to the proposed legislation.

Messrs. Shampur PAPANNA and **D. VENKATARAMANAPPA** urged that the fee payable for audit must be fixed with reference to the financial position of each institution. The latter added that the fee in case of default in the submission of annual returns be fixed at one rupee per day instead of Rs. 2 and urged that the fine, if levied, be recovered from the secretary and not from the institution.

Mr. G. RAJAGOPALACHAR also supported the measure. But he was not in favour of any levy being prescribed either for filing the list of members, etc., or for delay in sending up the several documents. He also suggested that as in the case of rural co-operative societies, the inspectors should be instructed to draw up the balance sheets on behalf of the several societies. Otherwise, he feared that many a society might not think of registration at all.

Mr. Vajapeyam VENKATESAIYA suggested that the societies might be empowered to have their accounts audited by any qualified auditor instead of its being done by a 'certified' auditor only. If this was permitted, he hoped that many qualified auditors would be forthcoming to render service to the religious and charitable institutions without charging any fee.

Mr. K. VENKATASWAMY IYER said that the fine referred to in the statement, *viz.*, Rs. 2 per day was too high and that it might be fixed as the maximum limit of fine that could be levied under that provision, discretion being left to the Registrar to charge as low a rate as possible.

Mr. N. MADHAVA RAU replied that that was the idea.

Mr. A. J. KHALEEL represented that even under the existing conditions it was difficult to find honorary men to work as secretaries in charitable institutions. If the measure provided for the levy of a fine of Rs. 2 for every day of delay and made it also recoverable from the secretary, it would become still more difficult for the societies to find workers. He therefore suggested that any fine that might be levied should be recovered from the institution concerned. In the next place, he suggested that some of the institutions maintained accounts in Urdu and it would not be always possible to find certified auditors capable of auditing such accounts. He therefore commended the suggestion of Mr. Vajapeyam Venkatesaiya that any qualified auditor might be permitted to audit the accounts of religious and charitable institutions.

Mr. G. MALLANNA, who spoke next, was not in favour of any fine being levied from societies for default in submitting the annual returns. He thought that cancellation of registration would serve as a sufficient punishment in all such cases.

Mr. S. RANGA RAMIAH suggested that instead of levying a fine, the Government might say in respect of societies to which they were giving grants-in-aid that the grants would be cancelled in case the annual returns were not submitted in time.

Mr. Y. V. MUNISWAMI IYER, however, was not in favour of this suggestion as cancellation of registration and stoppage of grants might adversely affect the interests of several members.

Mr. N. BHOGIMALLIAH was in favour of collecting the fines levied from the societies themselves instead of from the honorary workers.

Mr. K. LAKSHMINARAYANA RAO was in favour of a discriminating provision in the matter of levying fines and making the levy nominal in the case of poorer societies. As regards audit, he suggested that each committee of management might be given the privilege of selecting any auditor they could get at, provided he was duly qualified.

Mr. N. MADHAVA RAU, speaking on behalf of the Government, explained that the proposed Act did not refer to money-making concerns. It related to religious and charitable institutions. In the case of societies in receipt of grants from Government, no such restrictions appeared necessary because, if there was default on their part, the Government would discontinue the grant and that in itself would be sufficient punishment. But the provisions of this Act would apply only to societies doing literary, scientific and such other work. In the case of such institutions, the levy of fine was a necessary part of any scheme to bring them under control.

With reference to the remark of one of the previous speakers that while the members had been urging Government to bring societies under control, the Government had disregarded the advice, he was sorry to say that that was an incorrect statement. In fact, so long ago as 1934, the Government had made a rule that if the audited balance sheet and annual report were not submitted in proper time, registration would be liable to be cancelled. But it had been found in actual experience that the rule was ineffective. If the registration was cancelled, it was not the erring office-bearers alone that suffered, but all the members. For this reason, it was considered necessary to provide for the levy of fine as a punishment for default.

With regard to other suggestions such as (1) permitting any qualified auditor to audit the accounts of societies, and (2) the question of dispensing with the system of levying a fee every time that members' lists, etc., were filed, etc., **Mr. MADHAVA RAU** said that Government would examine how far those suggestions could be given effect to. He however added that it had to be remembered that for scrutinizing the annual returns, a certain additional staff would have to be maintained in the Registrar's Office and for meeting the cost thereof, it might be necessary to levy a fee.

The general principles of the bill were thereupon put to vote and adopted.

At this stage, the House rose for lunch and reassembled at 3-40 p.m.

II. General Principles of a Bill to provide for the transfer *inter vivos* under certain conditions of the Mysore Government "Savings Certificates" and for the payment of the Certificates standing in the name of deceased persons.

The SECRETARY to GOVERNMENT, FINANCIAL DEPARTMENT (Rajasevanipuna S. Shamanna) explained the general principles of the bill as follows:—

With a view to afford further facilities for investment of savings, Government have sanctioned the issue of "Savings Certificates" as an adjunct to Government Savings Banks.

It is proposed to permit the transfer of Savings Certificates only with the permission of the officer in charge of the Treasury where these are registered for the time being. This restriction will not be operative in the absence of special legislation.

It is also necessary to provide by legislation for the payment of certificates standing in the name of deceased persons in the same way as Government Savings Banks Deposits forming part of the estate of such persons to the heirs of the deceased or to the nominees, if any.

It is accordingly proposed to introduce a bill on the lines of the Government of India Act, XVIII of 1917.

Opportunity has at the same time been taken to provide by legislation for the payment of certificates standing in the names of joint holders when some or all the joint holders are dead, in the manner provided in Section 4 of the Securities Act.

Mr. H. K. VEERANNA GOWDA stated that this was a very necessary measure and that on behalf of his (the Congress) party, he had great pleasure in extending his whole-hearted support to it.

Mr. T. MADIAH GOWDA added that the measure was absolutely necessary and that therefore it might be put to vote without discussion.

The general principles of the bill were thereupon put to vote and adopted.

III. General Principles of the Mysore Newspaper Bill.

The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. C. Subrahmanya Aiyar) explained the general principles of the bill as follows:—

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and in the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this bill has been accordingly prepared. The main principles of the bill are as follows:—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter, such as, incitement to the commission of an offence, seduction of military, sedition, etc., declare the security

appeared to be no reason for a fresh law to deal with the same offences. If experience showed in the coming days that further provisions were called for or that heavier punishments and restrictions were necessary, it would then be time for the Government to consider some such measure. For the present, at any rate, the proposed bill was both unnecessary and objectionable.

For these reasons, he strongly opposed the measure.

Mr. W. H. HANUMANTHAPPA also opposed the measure. In doing so, he said that it was a matter for no small regret that in the 20th century and at a time when people of all countries were fighting for independence and popular rights, the Government of Mysore should be thinking of a law like the one under consideration. If public life should develop on healthy lines, the leaders must be enabled to work without fear. There was no doubt that the Government should have some sort of control over all things including newspapers. But at the same time, the Government must see that nobody was prevented from doing his legitimate work and exercising his legitimate rights. Even in British India, a similar law was in vogue in the 19th century in respect of newspapers. But within a few months after its introduction, the Government of India had to repeal it. In other words, the law which the Mysore Government was proposing to enact was one which had been condemned once in British India. The Government might probably say that, after all, there was nothing for honest journalists to fear from the proposed law. But a glance at the provisions of the bill would show that securities which might be demanded of the editors of papers by Magistrates might be very high and that the Government might go on forfeiting them any number of times. In determining whether a security was to be demanded and if so, what the amount thereof should be, the Magistrates would naturally have to be guided by the reports submitted by the police. It was well known what sort of reports were generally submitted by the police whenever newspapers were in question. In this view, it could not be said that the Magistrates, though above board by themselves, would be enabled to base their orders on anything like dependable data. In view of provisions like this in the proposed bill, the speaker was reminded of the observation made by a certain member (Mr. A. J. Khaleel) at the previous session of the Assembly that no civilized government should have a law like this in the 20th century on its Statute Book. It was in view of that observation that the Dewan readily promised to introduce a modified law. But it was a matter for surprise and regret that the law which had been proposed to be enacted in accordance with that promise was one which was worse than the existing law. The newspaper press in the State was doing excellent service in helping to spread education and enlightenment throughout the State. Surely, it did not deserve such a harsh and retrograde law as was proposed to be enacted.

For these reasons, he appealed to the Government to withdraw the bill.

Mr. B. L. BYANNA said that the purpose of newspapers was to spread general enlightenment among the masses and also to see that any errors committed by the Government were duly and promptly brought to notice. If this was granted, he did not see any reason why the Government should view newspapers with disfavour. As had been already brought to notice, the Dewan himself had conceded more than once in the past that the Press in Mysore was doing its work both well and honourably. That was an additional argument against undue interference with the liberty of the Press. No doubt the Press was not infallible and sometimes a few papers might make mistakes. In such cases the Government had sufficient power to take action against the erring newspapers. So long as it was agreed that newspapers generally did their work well, there was no necessity for a law such as the one proposed. The present was a time when the separation of judicial and executive functions was being pressed both in and outside the State. It would be inconsistent therefore with the spirit of the times if

the Government proposed to take increasing powers to deal with newspapers. Personally, he would prefer the courts of law being given all the powers to deal with newspapers according to the circumstances of each case. If the Government agreed to adopting this course, he personally would have no objection to the proposed law being passed by the House. Otherwise, if the Government kept large powers in their own hands, naturally they would be tempted to take action against any newspaper the moment it happened to publish anything unpalatable to the Government. After all, the courts of law in Mysore were above board, and for this reason the speaker did not see any reason why the Government should hesitate transferring to the law courts all powers to deal with newspapers. The agitation in favour of the repeal of the Press Act was as old as 15 years in the State. In 1924, the late Mr. M. Venkatakrishnaiah pleaded vigorously for its repeal and but for the fact that one large section of the Representative Assembly supported the Government then, the Press Act would have long since been repealed in the State. In this view and also in view of the fact that there was an unprecedented awakening on the part of the masses throughout the length and breadth of the State, so much so that the Government were very busy considering the question of the best means of associating the people in an increasing measure with the administration of the State, it was all the more necessary for the Government to make the Press Law more liberal than before. For these reasons, the speaker opposed the measure unless the Government accepted the suggestion that any action to be taken against the Press should be left altogether to the courts of law.

Mr. G. MALLANNA, on the other hand, supported the principles of the measure. He said that the members of the Representative Assembly had for a number of years past been urging that the Government should replace the existing Press Law by another drafted on the lines of the law in force in British India. He was thankful to the Government for having taken action in accordance with those representations. It might be that differences of opinion prevailed in respect of details in the provisions. But he thought that those details could well be gone into by the select committee which would necessarily be appointed when the bill engaged the consideration of the Legislative Council. There was no doubt that the existing Press Law in Mysore worked very hard on journalists. There was, for example, the provision enabling the Government to deport editors of newspapers in certain circumstances. This provision had been liberalised in the proposed measure and the editors would have the option to appeal to the High Court and seek redress. In this respect the proposed law was certainly more favourable to editors than the existing one. At the same time, there could be no two opinions as to the necessity for the Government having some sort of control over newspapers in general. Otherwise, even such newspapers as published mischievous or dangerous news and incited innocent people to disturb the peace and tranquillity of the State would go scot-free. No doubt there was some opposition to some of the provisions of the measure. But if the Government agreed to give representation on the select committee even to the oppositionists, then he did not see why the House should not accept the general principles of the bill as placed before the House on the present occasion.

Mr. B. N. BORANNA GOWDA in opposing the measure said that there was no justification for the Government embodying so many penal clauses in the proposed bill to deal with erring editors. He was not aware that the Press in Mysore had justly exposed itself to blame so far. It was an admitted fact that newspapers were doing a lot of useful and educative work in the State so much so that the Dewan himself had paid a tribute to the Press in very generous terms. It was regrettable that a Government presided over by the same Dewan should have thought it fit to legislate a rigorous law like this. In fact the speaker feared that the object of the Government was to

see that no newspaper criticised their action or that every newspaper should go on falling in with whatever acts were done by the Government. In his Opening Address to the Assembly both on the present as well as on other occasions, the Dewan had sought to draw parallels between the State and advanced western countries like England, France and so on. The speaker wondered why in connection with the Press Law also the Dewan did not think it worth while to consider how the Press was faring in western countries. Did he consider that the examples of Lord Mansfield, Lord Ellenborough and others were not worth while emulating in Mysore? It was a pity that the Government of Mysore were thinking on narrow lines in the year of grace 1938 and seeking to introduce legislation which would seriously interfere with the civil liberties of the people. Speaking of general education, although the Government were spending as much as Rs. 55 lakhs every year on schools, the benefit to the people accruing from that large expenditure would, he thought, dwindle into insignificance when compared with the educative value of the work done by the newspapers. Any incident occurring in any part of the State would immediately be flashed to all parts of the State if only it was an incident worth reporting. The people in the State had become more eager to read news than to take meals when they were hungry. In other words, the newspapers were helping the cause of general education and enlightenment much more than the educational institutions themselves. When this was so, it would be very unjust on the part of the Government to curtail the liberties of the Press. If the proposed law was passed, it would give a handle to the police officers to harass in any number of ways all those editors who wrote anything which those officers did not relish. This was a circumstance not unknown to the Government, and if still they persisted in enacting the law it would only mean that they were definitely opposed to the progress of democracy in the State. The speaker had definite reasons to apprehend that honest journalists would be brought to trouble if the law was passed as proposed. For example, every intending editor had not only to obtain permission from Government to edit a newspaper but had also to appear before the concerned Magistrate, offer a security deposit if required and seek formal permission to edit the newspaper. The Magistrate would naturally call for a report from the local police before he gave the permission sought. As a matter of fact, the officer who actually made necessary investigations and submitted reports to the Magistrate in such cases would be an ordinary constable getting a pay probably of Rs. 16. What, the speaker asked, was the sense of responsibility in the case of a constable and how curious it would look if such a reputed Government as that of Mysore ultimately acted on a report initiated by such a low paid official as a constable?

Even from the economic point of view, it was worth while allowing the Press to function as it liked. Private presses were giving employment to so many helpless young men. If the proposed law with all its rigour was passed, then no honest journalist would think of his profession and no honest person would think of running a press. In other words, the large number of persons who were at present eking out a living in the several presses would be thrown out of employment and the problem of unemployment would thus be rendered more complicated than at present. Printing, he said, was a commercial enterprise. It was also an art. It therefore deserved every sympathy and encouragement at the hands of the Government. It would be a pity if the Government exposed the printer to hardship and harassment. Again, Government consisted of a number of individuals and the individuals were not themselves infallible. If perchance those at the head of affairs committed any wrongs or errors, who was it that could tell them so if not the newspapers? It was stated in the statement of general principles of the bill under discussion that the bill closely followed

the Criminal Law Amendment Act of British India. But he would like to ask the Government to consider how that law had come into existence in British India itself. Circumstances within the State were certainly different from those which prevailed in British India at the time that law was enacted. For these reasons, the speaker opposed the measure and appealed to the Government not to proceed with it.

Mr. MIR MAHOMED HUSSAIN strongly pleaded for the substitution of the proposed measure for the existing Press Law. He was sorry that so many Congress people were, by their acts in villages, inciting ignorant people to violence and disloyalty, the newspaper pressos almost invariably supporting them. If such mischievous propaganda should be curbed, as he thought it deserved to be, a stringent law as proposed was absolutely necessary.

Mr. A. J. KHALEEL said that he had requested at the previous session of the Assembly that a law on the lines of the one in force in British India be substituted for the existing Press Law in Mysore. But to his surprise he found that the statement of general principles of the bill indicated that the law was a replica of the British Indian Press Act with one or two stringent additions. He was at a loss to know why the Government of Mysore were anxious to copy so many laws from British India. Many a law was in force in British India which had some good features about them. When all such enactments were not adopted, he did not see any justification to copy this unwholesome measure from British India. No doubt, newspapers sometimes spread false news by wire and before it could be contradicted, mischief would have been done in unexpected quarters. To prevent the occurrence of such things control over the Press was required. But, his main objection was that the proposed law was much more stringent than the existing one. For this reason, he would much rather prefer the existing law to continue with some necessary modifications effected in it so as to be in keeping with the trends and tendencies of the times, if the Government realized the necessity for liberalising the existing law, than to have a repressive measure like the one proposed. In this view he opposed the proposed measure.

Mr. K. MUNIVENKATAPPA in supporting the measure said that the object of the Press in general was to spread enlightenment in the country. But in practice he was seeing that some newspapers had commercialised the profession and catered to the whims of sensation-mongers. The effect of unrestrained publication of news would be serious and Government should necessarily have some control to curb such newspapers. For this reason, he was in favour of the proposed measure. He thought that honest journalists had nothing to fear from it and even if they made mistakes, the Government, he was sure, would not hasten to take full advantage of the law and punish the editors. It was only in cases where mischievous propaganda was persisted in that the law would be made use of.

Mr. T. MARIYAPPA was strongly opposed to the measure. By seeking to substitute the proposed law for the existing one, the Government, he remarked, were trying to present the country with a stone while it was asking for bread. Memories were still fresh as to the circumstances under which the Criminal Law Amendment Act was enacted in British India and the manner in which that law had been availed of by the Central and Provincial Governments there. The injustice of the law and its application in a number of cases was evident from the fact that at the present time the several Congress Governments in the British Indian Provinces were refunding the securities which had been forfeited by the previous governments under that law. At least the Press in British India, when their securities were forfeited by the concerned governments, had received support from a number of rich men in the provinces. But Mysore being a poor country and its political awakening not being so general, it could not be expected that private financial help would go to the rescue of the Press if

the Government of the State were to apply the law in the case of particular newspapers. The existing Press therefore was sure to be adversely affected if the proposed law was passed. Secondly, the Government had recognised the force and the sincerity of the popular agitation for the establishment of Responsible Government in the State and had even appointed a committee to consider this very question. At a time when the committee was holding its deliberations, it would be an irony of fate if the Government enacted the proposed measure. He was sorry to find that the Government sought to justify the measure by stating that it followed the Criminal Law Amendment Act of British India. That law had been enacted by an alien Government—a Government which had determined to curb the national spirit. Surely the circumstances in Mysore were quite different, and there was little justification for enacting the law under reference.

Speaking of the detailed provisions of the measure, he said that he was not prepared to concede that the proposed measure was better than the existing Press Law in any respect. The Government seemed to think that the measure would be agreed to by the House since imprisonment had been substituted for deportation in the case of erring journalists. Personally, he felt that deportation would be better than imprisonment since at least after going out of the borders of the State, the individual would have some liberty of movement and action. In this respect, he was sure that the new law would be much worse than the existing one.

He was aware of a recent instance in Mysore where an editor of a newspaper was made to give an undertaking in writing that, if permission to edit was given, he should see that nothing concerning the Congress and its activities found publication in his newspaper. This was only one indication of the views which the Government had entertained with respect to the duties of the newspaper press. The speaker was reminded in this connection of certain totalitarian governments in Europe which compelled the newspapers to publish only particular kinds of news and ventilate only particular shades of opinions. He appealed to the Government to see that in Mysore at least the atmosphere was kept as clean and pure as was possible for them to do so. They should not consider every editor to be a criminal and on that basis proceed to subject him to undue restrictions. Personally he felt that persons addressing large gatherings could spread their own ideas among thousands of people in a much more effective manner than newspapers, with their limited circulation, could do. And persons addressing such mammoth gatherings were not expected to obtain licences for giving lectures. Such being the case, there was no necessity for interfering with the liberty of the Press unduly. It was a matter for some satisfaction that a sort of understanding had been arrived at between the Mysore Government and the Mysore State Congress. At such a time it would be hardly consistent with the declarations of Government to enact a rigorous law affecting the Press in general He would ask the Government to consider whether such a law was in force in any democratic country in the world, in which case the speaker would have the least objection to its being enacted here. After all, the percentage of literacy in the State was very small, and even granting for the sake of argument that newspapers spread false or dangerous news, it was not all the population that would be incited by the writings. And for such errors as the Press might commit, the Government had already sufficient powers under the Indian Penal Code to take suitable action. He appealed to the Government not to interfere with the Press in the State as it would have very serious repercussions in the country as a whole. The one effect of passing the proposed law would be to suppress the legitimate awakening of the masses in which case, he feared, it might flow in wrong channels. It would be a sad mistake if the Government rendered such a thing possible.

Mr. Y. V. MUNISWAMI IYER said that he was at a loss to know why some

of the members should be so much afraid of the proposed measure. He did not believe that honest journalists would have anything to fear from it. The Government had brought forward the measure merely in compliance with the requests from the Representative Assembly and the Legislative Council members and not on their own initiative.

Again, even from the point of view of detailed provisions, it looked to him much better to have the proposed law in the State than the existing one, because whereas at present the Government could on their own motion deport any journalist who in their opinion erred or dis-served the country, in future the punishment contemplated was only imprisonment and that option was given to the concerned editor to appeal to the High Court. It was true that the Act would subject the Press to certain restrictions. But an unrestrained Press would be something like an unbridled horse, and all right-thinking men should therefore agree with the Government that there must be some sort of control over the Press in general. For these reasons, he had great pleasure in supporting the measure.

Mr. G. RAJAGOPALACHAR observed that many events had taken place in the State since the last session of the Assembly and that even those who had requested the Government at the last session that the existing Press Law be substituted by another were tempted to urge on the present occasion that there should be nothing like a Press Law in Mysore. The proposed measure reminded the speaker of Gafti 53 of Hyderabad, under which no meetings could be held or speeches made unless the organisers obtained permission 15 days in advance and filed before the Government an abstract of the speeches going to be made at the meeting. It looked to him as though the object of the Government was that there should be no newspapers at all in the State. He had reason to entertain such an apprehension, because at a time when all parts of the State were thirsting for information relating to the recent Viduraswatha incident, the Government had withdrawn the licences granted to a good many vernacular papers. That action of Government was sufficient to show they were not always exercising their discretion properly. If that be so, then people had every reason to apprehend that when once the proposed law was enacted, the Government might make similar mistakes in the future also and make it impossible for the general public to know what was happening in different parts of the State. If the Government were anxious to establish a healthy state of affairs in the State, the only way of doing so would be to allow newspapers to have their own way. In fact the Government had all along recognised that the Press was doing much more of educative work than all the schools and colleges put together. Instead of allowing them to have their own way if the Government succeeded in introducing the proposed law, it would act as a death blow to the Press in general. For example, the maximum fine that could be levied under the Indian Penal Code was Rs. 2,000, whereas under the proposed law the fine might go up even to Rs. 5,000. If this provision, for example, was strictly applied by the courts, no journalist in Mysore could think of sticking to the profession any longer. And if similar action was taken in the case of newspapers in general, then the question of spreading education and enlightenment in all parts of the State would become an impossible task for the newspapers. And when once this happened, Responsible Government in Mysore would be out of the question for all time to come. For these reasons, he said that the proposed law was one which deserved to be opposed by all well-wishers of the State.

Mr. S. C. MALLIAH was surprised to find that some of the previous speakers had attributed motives to Government and thought it fit to state that Government appeared to be opposed to any newspapers functioning in Mysore. He reminded the House that the Government probably would not have brought forward this measure but for the repeated requests from the Houses of

Legislature for the substitution of the existing Press Act by another on the lines of the Act in force in British India. He thanked the Government for having promptly acted on the representations of the Assembly and the Council. One of the members who had spoken earlier on this question had preferred a similar request at the previous session of the House. The speaker was surprised to find that on the present occasion that very member had opposed the measure vehemently. He felt that the restrictions complained of by the oppositionists existed even under the present law. Even under the proposed measure, there was no reason to suppose that the courts of law would demand heavy securities in each and every case. For these reasons, he did not believe that honest journalists would have anything to fear even if the proposed measure was enacted.

Some members had said that the Press should not be subjected to any restriction whatsoever. Personally he would also be glad if such a state of affairs prevailed. He agreed that the Press in Mysore was doing meritorious service to the country. But there was no guarantee that the same state of affairs would prevail in future also. Occasions might arise when each newspaper might act as it liked. If a paper spread sensational news or carried on mischievous propaganda, was it to be let off even then? After all, the responsibility for maintaining law and order rested on the Government and it was their duty to call erring editors to order if necessity for such action arose.

Some members had pleaded for Mysore emulating the examples of certain advanced western countries. He would personally prefer to emulate the examples of neighbouring administrations. Congress Ministries were in power in 7 out of the 11 British Indian provinces. Had any one of these Ministries, he would ask, done away with the Press Act altogether? Again, there was a clash between Hindus and Muslims in the Bombay Presidency recently. Had not the Congress Ministry there imposed certain restrictions on the Press at that time? The needs of the situation then demanded such action being taken. And supposing unfortunately such occasions arose in the State, it was but reasonable to expect the Government of Mysore in such circumstances to have the power to control the Press within reasonable limits. If the Government exercised the power then it would not be said that they were unnecessarily interfering with the liberties and privileges of the Press. There need be no apprehension on the part of anybody that simply because a law like this was on the Statute Book the Government would be eager to enforce its provisions indiscriminately. On the other hand, the mere existence of such a law would keep the editors within the limits of caution, and the Press itself would be run on healthy lines. From this point of view, it would be very unfair to the Government if anybody attributed motives to them in connection with the present measure. Personally he did not see that the proposed measure would be detrimental to any honest editor.

At this stage the House rose (at 5-5 p.m.) to meet again at 12 of the clock the following day.

SECOND DAY.

Saturday, 11th June 1938.

The House reassembled at the Jagan Mohan Palace Pavilion on Saturday, 11th June 1938, at 12 of the clock, Mr. President (*Amin-ul-Mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., Dewan) in the Chair.

Before the business of the day was taken up, **Mr. K. T. BHASHYAM AIYANGAR** represented that there was a change effected subsequent to the arrangement that